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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,762	02/03/2004	Robert J. Desmarais	1539 US	8913
20346	7590	09/28/2005	EXAMINER	
KEY SAFETY SYSTEMS, INC. PATENT DEPARTMENT 5300 ALLEN K BREED HIGHWAY LAKELAND, FL 33811-1130			BROWN, DREW J	
		ART UNIT		PAPER NUMBER
		3616		

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/769,762	DESMARAIIS ET AL.
	Examiner Drew J. Brown	Art Unit 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-19 is/are allowed.
- 6) Claim(s) 1,2 and 4-10 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In line 5 of paragraph 15 on page 4, "button 62" should be "button 66." In line 11 of paragraph 16 on page 5, "magnet 26" should be "magnet 38."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al. (U.S. Pat. No. 6,733,041 B2).

With respect to claim 1, Arnold et al. discloses a vehicle safety restraint adjuster comprising a vehicle safety restraint support 450, where the vehicle safety support is movable along a guide 402. A lock, which has a locked and unlocked state, is used for securing the vehicle safety restraint support at a position on the guide in the locked state and also for releasing the vehicle safety restraint support for movement in the unlocked state (column 5, lines 15-27). Also, a magnetic actuator is used for selectively placing the lock in the locked state and the unlocked state (column 2, lines 16-20).

With respect to claim 2, the locked state comprises a locked position of the magnetic actuator and the unlocked state comprises an unlocked position of the magnetic actuator.

With respect to claims 4 and 5, the magnetic actuator is biased to be in the locked state by using a spring 530 (column 5, lines 4-5).

With respect to claims 6 and 7, the safety restraint support comprises a slide that is slideably received on the guide, where the guide comprises a rail (column 3, lines 64-66).

With respect to claim 8, the restraint support comprises a web guide support 550.

With respect to claim 9, the magnetic actuator comprises an electromagnet (column 2, lines 16-20).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. It is well known in the art that a control unit communicates with the electromagnet to control the

placement of the lock in the locked state and unlocked state because electromagnets cannot solely operate without a power source controlling the flow of current. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a control unit to provide current to the coils of the solenoid to generate the magnetic force necessary to lock the safety restraint support but is also able to stop the current flow in order to unlock the safety restraint support.

Allowable Subject Matter

6. Claims 11-19 allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Claims 11 and 19 are allowable as they recite a web guide having a locked state and an unlocked state, where a lock actuator places the web guide in a locked state or releases it for movement along a path of travel, wherein the direction of deployment of an airbag has a component so as to maintain the lock in the locked state.

The prior art of Arnold et al. (U.S. Pat. No. 6,733,041 B2) discloses the lock and the lock actuator but does not disclose an airbag that deploys so as to maintain the lock in the locked state. The prior art of Saito et al. (U.S. Pat. No. 6,361,069 B1) discloses an airbag that deploys above a seatbelt, but does not deploy so as to maintain the lock in the locked state. Therefore, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Arnold et al. in view of the teachings of Saito et al. to have an airbag maintaining the lock in the locked state because the configuration of the lock actuator is not compatible with the airbag device.

8. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Isonaga (U.S. Pat. No. 5,655,793), Watanabe (U.S. Pat. No. 5,333 905), Yano et al. (U.S. Pat. No. 5,125,686), Kawade et al. (U.S. Pat. No. 4,579,368), Buerkle et al. (U.S. Pat. No. 6,511,093 B2), Saitoh et al. (U.S. Pat. No. 5,141,249), Saito et al. (U.S. Pat. No. 6,361,069 B1), Griesemer et al. (U.S. Pat. No. 6,334,629 B1), Arnold et al. (U.S. Pat. No. 6,935,701 B1), Escaravage (U.S. Pat. No. 4,702,493), and Inoue et al. (U.S. Pat. No. 5,725,248) all disclose similar vehicle safety restraint adjusters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown
Examiner
Art Unit 3616

DJB


PAUL N. DICKSON 9/26/05
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600